

*A Great Brit. Genl.*

*95*

*England. - Parliament [Bills. - II. George II.]*

*213. c. 2.*

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*Read 19 Feb. 1763 [I.]*

*Enacted 26 Geo. II. Public Acts, c. 7.*



*A BILL for the more Easy and Speedy  
Recovery of Small Debts within the Borough  
of Boston, and Skirbeck Quarter, and the  
Parishes of Boston and Skirbeck, in the  
County of Lincoln.*



**Hereas** the Borough of *Boston*, in the County of *Lincoln*, is an antient Corporation, as well by Prescription as Charter, which, together with the District called *Skirbeck Quarter*, and other Places within the Parish of *Skirbeck*, intermixed with, and adjoining to, the said Borough, is a considerable Sea-port and Market-Town, having a great and extensive Trade and Commerce carried on therein:

**And whereas** the Mayor and Justices of the said Borough have usually held a Court of Record, for the Tryal of Civil Actions, commonly called *The Court of the Pleas for the Borough of Boston*:

**And whereas**, the Proceedings of the said Court being, by means of the Legal Forms thereof, liable to be made expensive and dilatory, many unjust and ill-disposed Persons do often contract small Debts; and afterwards, presuming on the Discouragements which Creditors lie under in suing for such Debts, although well able, do refuse to pay the same; to the great Detriment of Trade, and Encouragement of Fraud and Dishonesty:

**For Remedy thereof**, and to the Intent that a more easy and speedy Method may be provided for the Recovery of small Debts within the said Borough of *Boston*, *Skirbeck Quarter*, and Parishes of *Boston* and *Skirbeck*;

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May it please Your most Excellent MAJESTY,

That it may be Enacted; And be it Enacted, by the KING's most Excellent MAJESTY, by and with the Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, That it shall and may be lawful for the Mayor and Aldermen of the said Borough of *Boston*, or any of them, the Mayor for the Time being, or his Deputy, being One, and they are hereby impowered and required, to meet at the Town-Hall, or some other convenient Place, within the said Borough of *Boston*, on the

the next ensuing, and on the and the in every future Year, not being *Sunday*, or some other Day within before the said several

and then and there to nominate and assign of the most substantial and discreet Gentlemen, Merchants, Tradesmen, and Householders, residing and inhabiting within the said Borough of *Boston*, *Skirbeck Quarter*, and the Parishes of *Boston* and *Skirbeck*, to be Commissioners for the

next after such Nomination, for the Purposes hereafter mentioned: And the Common Clerk of the said Borough shall, within after the said Nomination, cause a List of the said Commissioners to be affixed on the Town-Hall of the said Borough, in some conspicuous Place: And the Mayor of the said Borough for the Time being, the Recorder, or, in his Absence, the Deputy-Recorder, of the same, for the Time being, and the said Commissioners so appointed, and so from time to time to be appointed, as aforesaid, shall be and are hereby declared and appointed, Commissioners to hear and determine all Matters of Debt and Detinue as are hereafter mentioned; and are hereby constituted a Court of Justice, by the Name of *The Court of Requests for the Borough of Boston, Skirbeck Quarter, and Parishes of Boston and Skirbeck*: And the Clerk of the said Court hereafter appointed shall cause of the said Commissioners to be summoned

by the Beadle of the said Court, hereafter appointed, by Rotation, to attend the Business of the said Court for each within every

And the said Mayor, Recorder, or Deputy-Recorder, and the said Commissioners, or any of them, shall, and are hereby impowered and required to meet on every

in the Town-Hall of the said Borough, or some other convenient Place to be appointed by the Mayor and Aldermen of the said Borough for the Time being, then and there to sit, and hold the said Court, to hear and determine such Causes as are hereafter mentioned, to give Judgment, and to make Orders and Decrees, therein, and to award Execution thereupon, with against the Body or Goods of the Defendant; and further to do according to Law, Equity, and good Conscience, and as hereafter is more especially ordered and directed: And, if the said Commissioners shall happen to be equally divided upon any Question which may come before them, the Mayor, if present, or, in his



his Absence, the Recorder, or Deputy-Recorder, or, in their Absence, the Commissioner present who shall be the First upon the List, shall have the casting Vote.

**And be it further Enacted**, by the Authority aforesaid, That, from and after the next ensuing, it shall and may be lawful to and for any Person or Persons whatsoever, who hath, have, or may have, any Debt or Debts, Thing or Things (above the Value of ~~one~~ and under the Value of

~~one~~ due or owing to him, her, or them, in his, her, or their Right, or as Executor or Administrator by or from any Person or Persons inhabiting or residing within the said Borough of *Boston*, *Skirbeck Quarter*, or Parishes of *Boston* or *Skirbeck*, or using or frequenting the Markets thereof, or usually buying or selling, or seeking a Livelihood, therein, or sailing or navigating to and from the Port and Haven of *Boston* aforesaid, to apply to the Clerk of the said Court of Requests, who shall immediately make out, and deliver to the Beadle, a short Summons, in Writing, under his Hand, directed to such Debtor or Debtors, expressing the Sum or Thing demanded of him, her, or them, and the particular Cause of such Demand; and requiring him, her, or them, to appear at a certain Time and Place before the Commissioners of the said Court, to answer the said Complaint; and the said Beadle shall forthwith cause such Summons to be served on such Debtor or Debtors, either personally, if it can well be done, or else by leaving the same at the Dwelling-house, Lodging, Place of Abode, Shop, or Stall, of such Debtor or Debtors, with his, her, or their Servant, or other Person belonging to him, her, or them, at least ~~two~~ Days before the Day on which he, she, or they, shall be required to appear: And that, upon Proof made, that such Summons hath been duly served, the said Commissioners, or any

or more of them, being a Majority of the said Court, are hereby empowered and required to make due Inquiry concerning the said Demand or Complaint, and make such Orders and Decrees therein, and pass such final Judgment or Sentence thereupon, and award Costs of Suit, as to them shall seem most agreeable to Equity, and good Conscience: And, for the better Discovery of the Truth, and the more solemn Determination of the Causes depending in the said Court, it shall and may be lawful to and for the said Commissioners, or any or more of them, to administer an Oath to either of the Parties, and to the Witness or Witnesses produced by either of them, and also to any other Person or Persons whose Evidence shall seem necessary towards the hearing or determining any of the said Causes, or making any Order or Decree therein, or for any other Purposes requisite to the Execution of this Act.

**And be it further Enacted**, by the Authority aforesaid, That if such Debtor or Debtors, who shall have been duly summoned, as aforesaid, shall not appear before the Commissioners of the said Court at the Time and Place mentioned in the said Summons, then it shall and may be lawful to and for the said Commissioners, or any or more of them, being a Majority of the said Court, after due Proof made, upon Oath, of the Service of the said Summons, in manner aforesaid, to hear the said Cause on the

Part



Part of the Plaintiff or Plaintiffs only, and to make such Order, Decree, or Judgment, as to them shall seem most agreeable to Equity and good Conscience; and assign and appoint a certain Time and Place for such Debtor or Debtors, Defendant or Defendants, to be and appear before the said Commissioners, or any or more of them, then and there to shew Cause why such Order, Decree, or Judgment, should not be made final or peremptory: And if the said Debtor or Debtors, Defendant or Defendants, after having had due Notice of such Order, Decree, or Judgment, by a Copy thereof being delivered to him, her, or them, or being left at his, her, or their Dwelling-house, Lodging, Place of Abode, Shop, or Stall, with his, her, or their Servant, or some other Person belonging to him, her, or them, shall not appear at such Time and Place, and shew such Cause as aforesaid, it shall and may be lawful to and for the said Commissioners, or any or more of them, being a Majority of the said Court, to make such Order, Decree, or Judgment, final and peremptory; and to award to the Plaintiff or Plaintiffs such reasonable Costs of Suit, as shall seem most agreeable to Equity, and good Conscience.

**And be it further Enacted**, by the Authority aforesaid, That, if upon the Day of the Return of the Summons, or at any Continuation or Adjournment thereof, the Plaintiff or Plaintiffs shall not appear, or, appearing, shall not make due Proof of his, her, or their Complaint or Demand, to the Satisfaction of the Court, but become Nonsuit, it shall and may be lawful to and for the said Commissioners, or any or more of them, being a Majority of the said Court, to award to the Defendant or Defendants reasonable Costs, and to order and oblige the Plaintiff or Plaintiffs to pay the same by such Ways and Means as are herein provided for the Recovery of Debts ordered and decreed by the said Court.

**And be it further Enacted**, by the Authority aforesaid, That, if either of the Parties shall not perform and obey such Order, Decree, or Judgment, as shall be made by the said Commissioners, or any or more of them, being a Majority of the said Court, having had due Notice thereof, either by being present when such Order, Decree, or Judgment, was made, or by having a Copy thereof delivered to him, her, or them, or left at his, her, or their Dwelling-house, Lodging, Place of Abode, Shop, or Stall, with his, her, or their Servant, or some other Person belonging to him, her, or them, and due Proof thereof made upon Oath; it shall and may be lawful to and for the said Commissioners, or any or more of them, being a Majority of the said Court, to award Execution either against the Body, or the Goods, of the said Party; and to issue out a Process for such Purposes, by way of *Capias ad satisfaciendum*, or *Fieri facias*, to the Beadle of the said Court; who shall be thereby authorized and impowered to take such Party, against whose Body Execution shall be awarded, and carry him, her, or them, to the

there to remain until he, she, or they, shall and also to of the Goods of such Party, against whose Goods Execution shall be awarded, such Sum or Sums of Money as shall be so ordered, decreed, and adjudged; together with



with the And where  
the Party, against whom either of the said Executions shall be awarded, and  
Process thereof shall issue, shall be absconding, or by secreting his, her, or  
their Goods, or, by any other means, prevent or evade the Service or Effect  
of the said Execution, it shall and may be lawful to and for the said  
Commissioners, or any or more of them, being a Majority of  
the said Court, upon due Proof made to them by the Oath or Oaths of  
One or more credible Witness or Witnesses, that the Service or Effect of  
the said Execution had been prevented or evaded, at their Discretion, to  
thereupon, to be served by the  
said Beadle in manner as is aforesaid: And, in case the said Court shall,  
at any time, upon the Request, and for the Ease and Convenience, of the  
Defendant or Defendants, order, decree, or adjudge, a Debt due to the  
Plaintiff or Plaintiffs, to be paid by several Payments, upon the First De-  
fault or Failure of any of the said Payments, so ordered, decreed, and ad-  
judged, the said Commissioners, or any or more of them, being  
a Majority of the said Court, at the Instance of the Plaintiff or Plaintiffs,  
and upon due Proof of the said Default or Failure, shall and may award  
Execution for the whole Debt, or such Part thereof as shall remain un-  
paid at the Time of such Default or Failure; together with such further  
as to them shall seem meet; to be recovered by the same Methods  
and Means as are herein provided for the Recovery of a Debt and  
first decreed.

**And be it further Enacted**, by the Authority aforesaid, That, upon  
every Execution that shall be awarded against the Body or Goods of any  
Person or Persons, the Clerk of the said Court shall indorse, or cause to  
be indorsed, the Sum or Sums so ordered, decreed, or adjudged, with the

And if the Party against whom  
such Execution shall be awarded, shall, before any  
pay, or cause to be paid, unto the Clerk or Beadle of the  
said Court, the said Sum or Sums so ordered, decreed, or adjudged, and  
the said if any there  
be, which shall have been incurred by the serving the said Execution, to be  
settled and allowed by the said Commissioners, or any of them, the  
said Execution shall be superseded, and the Body or Goods of the said Party  
shall be discharged.

**And be it further Enacted**, by the Authority aforesaid, That no Pri-  
vilege, or pretended Privilege, shall be allowed to exempt any Person,  
liable to be summoned by virtue of this Act, from the Jurisdiction of the  
said Court of Requests, on account of his being Sworn Attorney or Solli-  
citor of any of the Courts at *Westminster*, or being an Officer of any Court  
whatsoever.

**And be it further Enacted**, by the Authority aforesaid, That, if the  
Beadle, who shall be employed to serve an Execution, shall, by wilful or  
notorious Neglect or Connivance, cause or suffer the Party, against whom  
such Execution shall be awarded, to escape or abscond, or the Goods of  
such Party to be carried away, or secreted, so that such Execution shall not  
have its due Effect; it shall and may be lawful to and for the said Com-



missioners, or any or more of them, being a Majority of the said Court, upon Complaint made, and due Proof thereof, upon the Oath or Oaths of One or more credible Witness or Witnesses, to order the said Beadle to pay the Sum or Sums of Money, for which the said Execution was awarded, to the Party complaining; and to enforce the Payment thereof by the same Methods and Means as are herein provided for the Recovery of other Debts.

**And be it further Enacted**, by the Authority aforesaid, That, for the better regulating the Proceedings of the said Court, it shall and may be lawful to and for the said Commissioners, or any or more of them (whereof the Mayor, Recorder, or Deputy Recorder, shall be One), being the Majority, at any of the said Courts so to be holden as aforesaid, to make such Rules and Orders for the better regulating the Practice of the said Court, and the Method of proceeding therein, as shall seem to them most expedient and conducive to the Purposes of this Act; so that such Rules and Orders shall be agreeable to Law, and according to the true Intent and Meaning of this Act: Which said Rules and Orders, having been signed by the said or more Commissioners, shall be in full Force, and be kept and observed by all the Commissioners thereafter holding, or to hold, the said Court, until the same shall be repealed by the same Authority that they shall have been made, as aforesaid.

**And be it further Enacted**, by the Authority aforesaid, That every Commissioner, who shall be empowered to put in Execution this Act, as aforesaid, shall, in order to qualify himself to act as a Commissioner, and before he acts therein, take an Oath, to the Effect following:

*I A. B. do swear, that I will faithfully, impartially, and honestly, according to the best of my Judgment, hear and determine such Matters and Things, which shall be brought before me, by virtue of an Act of Parliament, intituled, An Act*

*without Favour, Affection, or Prejudice, to either Party, or to or against any Person or Persons whatsoever.*

Which Oath the Clerk of the said Court shall administer in open Court, and enter a Memorial thereof in the Registers of the said Court.

**And be it further Enacted**, by the Authority aforesaid, That

shall be, and is hereby, constituted and appointed Clerk of the said Court of Requests during his good Behaviour in the said Office; and shall have Power and Authority to appoint a Deputy, to be approved of by the Mayor and Aldermen of the said Borough for the Time being, or of them: Which said Clerk, or his said Deputy, are hereby empowered and required to issue out all Summonses, Warrants, and Precepts, and to register all Orders, Decrees, and Judgments, of the said Court; and shall enter and register, or cause to



to be entered and registred, in proper Books to be provided by him, and kept for that Purpose, all the Acts and Proceedings of the said Court: And whenever it shall happen, that the Place or Office of the Clerk of the said Court shall become vacant, by the Death, Resignation, or Removal, of the said Clerk, or any other future Clerk of the said Court, the Mayor and Aldermen of the said Borough for the Time being, or of them, shall nominate and appoint another fit and able Person to be Clerk of the said Court during his good Behaviour.

**And be it further Enacted**, by the Authority aforesaid, That the Mayor and Aldermen of the said Borough of *Boston* for the Time being, or of them, shall, from time to time, nominate and appoint One or more Beadle or Beadles (to attend the said Court, and to serve and execute all Summonses, Warrants, Orders, Precepts, and Processess, which shall be issued, ordered, or awarded, by the Authority of the said Court); and to remove or displace the said Beadle or Beadles, and nominate another or others in his or their place and stead, as they in their Discretion shall see Occasion.

**And be it further Enacted**, by the Authority aforesaid, That the several Fees hereafter limited and expressed, and no other, shall be taken by the Clerk and Beadle of the said Court, for their several and respective Services in the Execution of this Act; that is to say, For every Summons, to the Clerk For the Service of such Summons, and attending the Court with the Return, to the Beadle For entering the Cause, to the Clerk For every Hearing, to the Clerk For every Order, to the Clerk For entering the same, and making a Copy to the Clerk For a Nonsuit, when the Plaintiff doth not appear, to the Clerk For the Service of every Order against a Party not in Court, and attending with the Return, to the Beadle For paying Money into Court, to the Clerk For acknowledging Satisfaction, to the Clerk For an Execution against the Person or Goods, to the Clerk For the Service thereof, to the Beadle For an Attachment for Contempt, to the Clerk

For serving the same, to the Beadle For every Search of the Books, to the Clerk A Table of which Fees shall, from time to time, be hung up, by the Clerk of the said Court, in some conspicuous Part of the said Court or Place where the said Commissioners shall meet; so that all Persons, who shall attend the said Court, may see and read the same.

**And be it further Enacted**, by the Authority aforesaid, That if the said Clerk of the said Court for the Time being, or his Deputy, or the said Beadle or Beadles, or any of them, or any Person employed by or under them, or any of them, shall take or demand any greater or other Fee or Fees than as above-mentioned, upon Complaint and due Proof thereof, upon the Oath or Oaths of One or more credible Witness or Witnesses made in open Court, the said Commissioners, or any or more of them, being a Majority of the said Court, shall, and are hereby empowered and required to punish such Offender by Fine, not exceeding for One Offence, by of the Offender's Goods and Chattels,



Chattels, by Warrant under the Hands and Seals of the said Commissioners, or any or more of them; rendering to the Owner the Overplus (if any), after the Charges of such are deducted; which Fine and Fines, when recovered, shall be paid to the

And if the said Clerk of the said Court, for the Time being, shall be guilty of any notorious Misbehaviour, either by continually or frequently taking or demanding greater or other Fees, as aforesaid, or any otherwise, upon Complaint made, the said Commissioners, or any or more of them, shall, in open Court, hear and inquire into the Matters of the said Misbehaviour, by the Oath or Oaths of One or more credible Witnesses or Witnesses; and shall (if they, being a Majority of the said Court, shall think fit) certify the Particulars of the said Misbehaviour, with the Proofs thereof, unto the Mayor of the said Borough for the Time being, who shall lay the same before the Aldermen of the said Borough for the Time being; and the said Mayor and Aldermen shall take the same into Consideration, and shall and may, according to their Discretion, suspend or remove the said Clerk, so offending, from his said Office, and nominate and appoint another fit and able Person to exercise the said Office in his place and stead.

**And be it further Enacted**, by the Authority aforesaid, That if any of the Commissioners of the said Court, for the Time being, shall be a Party to, or interested in, any Cause depending in the said Court, such Person shall not be capable of acting as a Commissioner in the hearing or determining the said Cause, or making any Order, Decree, or Judgment, therein: And if the Clerk of the said Court, or the Beadle or Beadles thereof, or any of them, for the Time being, shall be a Party to, or interested in, any Cause depending in the said Court, such Clerk or Beadle shall not exercise his said Office in the said Cause, or any thing relating thereto; but the said Commissioners, or any or more of them, being a Majority of the said Court, shall and may appoint another Person to exercise the Office of such Clerk or Beadle respectively, in all things relating to such Cause; and no Clerk or Beadle of the said Court, so long as he continues in his Office, shall be capable of being nominated for, or acting as, a Commissioner of the said Court.

**And**, for the more effectual Establishment of the said Court, and that the Commissioners thereof may be vested with a proper Authority, and be free and exempt from Insult and Abuse, **Be it Enacted**, by the Authority aforesaid, That if any Person shall contemptuously and wilfully insult or abuse all or any of the Commissioners of the said Court for the Time being, during their Sitting in the said Court, or wilfully prevent or hinder them, or any of them, from proceeding in the Business of the said Court, it shall and may be lawful for the Beadle of the said Court, by Order of the said Commissioners, or any or more of them, being a Majority of the said Court, to take such Person, so offending, into Custody, and carry him or her before the Mayor, or any other Justice or Justices



Justices of the Peace for the said Borough; and, upon the said Insult, Abuse, or other Misbehaviour, as aforesaid, being duly proved by the Oath or Oaths of One or more credible Witness or Witnesses, the said Mayor, Justice or Justices, shall punish the said Offender, either by Fine, not exceeding to be of the Goods of the said Offender, or

And where the said Mayor, Justice or Justices, shall have imposed a Fine on such Offender, and there shall not be found sufficient Goods of such Offender, whereof such Fine can be the said Mayor, Justice or Justices, shall and may, by Warrant under his or their Hand and Seal, or Hands and Seals, the said Offender to the

And the said Fines, so to be as aforesaid, shall, when be paid and applied in like manner as the Fines herein before-mentioned are directed to be paid and applied: And the said Clerk of the said Court, for the Time being, shall, from time to time, cause a true Copy of the preceding Clauses to be fixed up in the Court or Place where the said Commissioners shall meet, in some conspicuous Part thereof, where the Persons resorting to the said Court may see and read the same.

**And be it further Enacted**, by the Authority aforesaid, That if in any Action of Debt, or Action on the Case, for the Recovery of any Debt or Thing, to be sued against any Person or Persons, as aforesaid, in any of the King's Courts at *Westminster*, or elsewhere, out of the said Court of Requests, the Plaintiff or Plaintiffs shall declare for any Sum of Money, not amounting to the Defendant may plead generally, in Bar of such Action, That, at the time of commencing such Action, the said Defendant was an Inhabitant of, or Resident within, either of the said Parishes of *Boston* and *Skirbeck*, and was liable to be warned or summoned before the said Court of Requests, without pleading any other Matter specially; and if the Plaintiff or Plaintiffs in any such Action shall declare for any Sum amounting to or more, the Defendant

may plead generally, over and above such Matters as aforesaid, That the Defendant was not, at the time of commencing such Action, indebted to the Plaintiff or Plaintiffs in any Sum or Sums of Money, amounting to without pleading any other Matter specially; and unto the said Pleas the Plaintiff or Plaintiffs shall or may reply generally, and deny the Matter pleaded, as aforesaid: And if the Plaintiff or Plaintiffs be nonsuited, or discontinue his or their Action, or Verdict pass, or Judgment on Demurrer be given, against him or them, the Defendant shall have

Or if the Judge, who shall try such Cause upon any such Plea or Pleas, as aforesaid, shall not, in open Court, certify on the Back of the Record, That there was a probable Cause of Action for some Money or Thing above the Value of or that the said Cause is not within the Jurisdiction of the said Court of Requests, or that an Act of Bankruptcy principally came in question, the Plaintiff or Plaintiffs shall not recover, but be nonsuited; and the Defendant shall have Costs.



**Provided always,** That it shall and may be lawful to and for the Plaintiff or Plaintiffs in such Action, afterwards to prosecute the said Defendant or Defendants for the Recovery of the said Debt in the said Court of Requests; any thing herein before contained to the contrary notwithstanding.

**And be it further Enacted,** by the Authority aforesaid, That no Action or Suit for any Debt not amounting to the Sum of and recoverable, by virtue of this Act, in the said Court of Requests, shall be brought against any Person or Persons subject to the Jurisdiction of the said Court of Requests, as aforesaid, in any other Court whatsoever: And if any Action or Suit shall be brought in any other Court, for any Matter concerning which any Order, Decree, or Judgment, shall have been made or given in the said Court of Requests, such Order, Decree, or Judgment, being pleaded, or given in Evidence, on the General Issue of such Action or Suit, shall, as to the Matters contained therein, be an effectual Bar to the Plaintiff or Plaintiffs in such Action or Suit; and the Registers, or Books of Entry, of the said Court, or true Copies thereof, proved by the Oath or Oaths of One or more credible Witness or Witnesses, shall be deemed legal Evidence of the Acts and Proceedings of the said Court; and no Suit which shall be commenced in the said Court of Requests, in pursuance of this Act, nor any Proceeding therein, shall or may be removed into any superior Court; but the same shall be final and conclusive, to all Intents and Purposes.

**Provided always, and be it Enacted,** by the Authority aforesaid, That this Act, or any thing therein contained, shall not extend to any Debt for any Rent upon any Lease or Contract, where the Title of any Lands, Tenements, or Hereditaments, can or may come in question; nor to any Debt, Matter, or Thing, that shall or may arise, or in any-wise relate to, or concern, any Cause of Testament or Matrimony, or any thing concerning, or properly belonging to, the Ecclesiastical Court; nor for any Debt for any Money or Thing won at, or by means of, any Horse-race, Cock-match, or any kind of Gaming or Play; nor for any Forfeiture upon any penal Statute or By-law; although the same shall be under the Value of

**And be it further Enacted,** by the Authority aforesaid, That if any Person or Persons, in making Oath, or giving Evidence, in any Cause or Business depending or transacted in the said Court of Requests, pursuant to this Act, shall commit wilful and corrupt Perjury, such Person or Persons, being duly convicted thereof, shall

which any other Person or Persons, convicted of wilful and corrupt Perjury, is or are subject or liable to by the Laws and Statutes of this Realm.

**And be it further Enacted,** by the Authority aforesaid, That if any Action or Suit shall be brought or commenced against any Person or Persons for any Matter or Thing done, or to be done, in pursuance of this Act, such Action or Suit shall be brought or commenced within Calendar Months next after the Fact committed, and not afterwards; and the Defendant or Defendants in such Action or Suit shall and may plead the General Issue, and give this Act, and the Special Matter, in Evidence, at any



any Tryal to be had thereon: And if the Plaintiff or Plaintiffs shall become nonsuited, or discontinue his, her, or their Action or Suit; or if, upon Verdict or Demurrer, Judgment shall be given against the said Plaintiff or Plaintiffs; the Defendant or Defendants shall and may recover Costs; and have such Remedy for the same, as any Defendant or Defendants hath or have in any other Cases by Law.

**And be it further Enacted**, by the Authority aforesaid, That this Act shall be deemed, adjudged, and taken, to be a publick Act; and be judicially taken Notice of as such by all Judges, Justices, and all other Persons whatsoever, without the same being specially pleaded.



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Debts within the Borough of  
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